

To: Enck, Judith[Enck.Judith@epa.gov]
From: Rupp, Mark
Sent: Sun 9/4/2016 1:59:55 PM
Subject: Re: Hoosick falls clips

Thanks!

On Sep 4, 2016, at 9:48 AM, Enck, Judith <Enck.Judith@epa.gov> wrote:

Sorry to clog your in box on a delightful Sunday morning , but I understand not all the links worked. See below. Judith. 518 605 1770

Subject: articles, editorials
Albany times Union

Question and answer time

By TU Editorial Board on September 4, 2016 at 3:07 AM

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A full day of state Senate hearings on contaminated drinking water in eastern Rensselaer County left one thing certain: They need another hearing on this.

A hearing, that is, that gets questions answered.

Tuesday's hearing should have been a chance to understand the government's response to the crisis. But Gov. Andrew Cuomo's representatives seemed to see it as an occasion to deflect blame. In the hearing's aftermath, the Environmental Protection Agency, which didn't show, isn't doing much better.

This is of little public value. Governments that refuse to acknowledge errors are sure to repeat them.

We get that Mr. Cuomo would prefer to avoid the perception that his administration was less than perfect in handling the discovery of perfluorooctanoic acid, or PFOA, in the Hoosick Falls public water supply and surrounding private wells. The governor is keenly sensitive to criticism, as he shows by lashing out routinely whenever a state comptroller's audit questions a state agency's performance.

We get, too, that the EPA is similarly sensitive, in this case to criticism from the Cuomo administration. No federal agency besides the IRS is as vilified by politicians, particularly on the right, which talks of abolishing both.

The committee needs to cut through the resistance and focus on the central issue: that a long time passed from when state health and environmental officials first became aware of high levels of PFOA in drinking water – in August 2014 – to the time EPA learned of it – in December 2014 – to the time EPA finally told residents to absolutely not drink or cook with it – in December 2015.

The Senate committee must come out of these hearings with a clear understanding of why a village of 3,500 people was drinking contaminated water for more than a year after officials first knew of the problem. What exactly was going on behind the scenes? A legitimate scientific and public health debate? Bickering? Confusion? Turf battles? Resistance?

We know there are at least two sides to this story – the state's blame of EPA and the EPA's blame of the state. It's the committee's job to get to the unspun truth.

And more: Why didn't EPA long ago change its guidelines on PFOA exposure? For its part, why didn't New York follow the lead of states like New Jersey – which instituted much more stringent guidelines on PFOA in 2007?

And most importantly, what could have been done differently, and how might that understanding affect what's done now? Should water supplies undergo mandatory testing in small communities like Hoosick Falls – not just those with populations over 10,000? Should New York become more proactive, as New Jersey was with PFOA, in looking at unregulated contaminants, of which there are 80,000? What kind of funding, realistically, would that take?

All this puts the onus on the Senate committee, joined by the Assembly next time, to prepare better, and sharpen its focus. We understand this first hearing was, in part, an opportunity to let citizens express concerns and frustrations. It's time, though, for hard questions, and real answers.

<http://nypost.com/2016/09/03/feds-state-blame-each-other-for-hoosick-falls-mess-and-theyre-both-right/>

NY post

Feds, state blame each other for Hoosick Falls mess — and they're both right

By Post Editorial Board

September 3, 2016 | 6:33pm

Modal Trigger

Photo: AP

State and federal officials are pointing fingers at each other over the Hoosick Falls mess — and it looks like they're both right.

Both sides played the blame game at last week's long-delayed legislative hearing on contamination of the upstate town's groundwater by the chemical PFOA, thanks to its past use in making Teflon at a local plant.

The federal Environmental Protection Agency "shifted" its position "repeatedly," complained state health czar Howard Zucker. He demanded "less confusion" from the EPA.

— ADVERTISEMENT —

But in written testimony sent to the hearing, EPA official Judith Enck said her agency "delegated primary responsibility" to the state. She later told reporters that Albany had chosen to adopt a more lenient standard for water safety.

Furious (and scared) residents want to know why both the feds and state officials let them drink their water despite having reason to question its safety.

One local, Michael Hickey, said it was a snap to find the red flags. "It was a five-minute Google search," he said. "All I typed in was Teflon and cancer, because that's what was in the factory."

Hickey's dad, who'd worked at the factory, died of cancer. Afterward, the son hired a lab that in 2014 found his water had high levels of PFOA.

Yet officials kept on telling folks not to worry. Not until last November did the feds even "recommend" using alternate sources of water for drinking and cooking.

On Jan. 27, Gov. Cuomo finally deemed PFOA a “hazardous substance” and announced plans to address the crisis.

Is there a better example of incompetence? As Hickey quickly discovered, the links between PFOA and diseases like cancer have been known for years. There’s a reason manufacturers stopped making it.

The EPA itself issued a “health advisory” against short-term exposure to PFOA above 400 parts per trillion in 2009. Yet it had no such warning at all for long-term exposure until May, when it set the bar at just 70 ppt.

And New York’s environmental agency ignored even the short-term warning, allowing up to 50,000 ppt. (Tests showed Hoosick Falls’ water had more than 600 ppt.)

The feds’ dithering doesn’t excuse Albany’s recklessness. Remember, this is the same governor who banned fracking as a risk to public health, even though research proves it isn’t.

Seems tiny Hoosick Falls, with all of 3,500 residents, just doesn’t have the kind of clout as folks like Robert Kennedy and the enviro-radicals who pushed the fracking ban.

True, no one can know the extent of the damage PFOA has caused in Hoosick — and elsewhere. Even now, Zucker says exposure doesn’t necessarily indicate long-term health consequences.

But residents fear not only for their health, but for their property values and even their jobs. Having officials pass the buck does little to help.

LeBrun: Clowns ran PFOA circus in Hoosick Falls

Fred LeBrun

<http://www.timesunion.com/tuplus-local/article/LeBrun-Clowns-ran-PFOA-circus-in-Hoosick-Falls-9202053.php>

Published 6:28 pm, Saturday, September 3, 2016

Take heart, Hoosick Falls, it ain't over yet.

Granted, the state Senate's public hearing last Tuesday at the Hoosick Falls high school, apart from giving residents and others close to the village PFOA water contamination crisis an important opportunity to tell

their stories, was otherwise garbage, an infuriating and arrogant waste of time, a circus with too many clowns.

Serious answers to serious questions related to the slow state response to the crisis and the medical implications to where we are now that residents — and the rest of us — deserved to hear from the state Health Department did not materialize. Any answers or responsibility for what didn't happen was artfully dodged by state Health Commissioner Dr. Howard Zucker, who was led gently along by a Senate committee providing the whitewash. It was a pathetic show, and certainly didn't fool the audience.

Zucker, and DEC commissioner Basil Seggos after him, blamed everything on the Environmental Protection Agency, the official Cuomo line that they are required to embrace. Zucker was especially awful.

In fact, if he were really as addle-witted as he came across, he'd be institutionalized. Then again, he's in the Health Department. Sorry.

Zucker professed nothing but confusion. Brought on, he said, by the EPA changing the numbers, "out of left field" and with bewildering speed, from 400, to 100, to 70 parts per trillion exposure allowances for PFOA in drinking water. Oh, some of those are really big numbers.

"What we need from the EPA," Zucker remarked at the end of his performance art, and with a straight face, "is a lot less confusion."

No, Dr. Zucker, what we need from you is a lot less bovine poop passed off as "testimony," and gratefully received as applesauce by a legislative committee supposedly holding you and your agency accountable.

Not that I believe for one second that Zucker is lamebrained. He's a brilliant man, a physician as well as a lawyer, with a page full of impressive credentials. He can probably do calculus puzzles in his head. Which makes his feigned "confusion" all the more insulting, and speaks more to what he thinks of his audience than what we think of him. Politics can make fools of good men, especially Cuomo politics.

So what was Zucker up to? Probably, along with Seggos, he was under orders to deflect the glaring spotlight from state failures, well known to the locals here, and create the very confusion he complains about as to where the faults lie for the water crisis response.

What he and his handlers didn't count on was the clean and clear rebuttal in subsequent days from, first, the regional EPA administrator, Judith

Enck, and by the end of the week, Gina McCarthy, administrator of the entire agency.

There is no confusion. The numbers are logical, science based, that clearly spell out the difference between short term and lifetime exposures, nor were they arrived at overnight.

It took five years to arrive at the 70 parts per trillion as a maximum lifetime exposure rate. Equally important, the state Health Department was involved all along in the dialogue leading up to that number. So much for being surprised by the EPA.

But back to why Hoosick Falls should take heart. It's because we have two more series of hearings, and Zucker and Seggos are already on record, with stances they are going to have an increasingly difficult time sustaining. Coming up are joint Assembly-Senate hearings in Albany and Long Island, that I am assured will not be the softball game that took place in Hoosick Falls. Yet to be scheduled is a congressional hearing. Enck assures me the EPA will most surely be testifying there.

So the cumulative effect here will not necessarily bring admissions from the state for its failures. But that same conclusion may become irrefutable anyway from the profusion of evidence and testimony presented before all these hearings are over.

But what can be done, if anything, to make the looming legislative hearings less a political sideshow and more actual fact-finding events that make us proud of our legislators rather than embarrassed by them?

Hoosick Falls resident Michele Baker, in a scathing letter to state Sen. Kathy Marchione expressing "profound disappointment" at the Senate hearing Marchione organized, called on the legislators to subpoena the appearance of polluter Saint Gobain, which did not show at Hoosick Falls, at the next hearings. Sending subpoenas to Saint Gobain, as well as Taconic Plastics and Honeywell, has also been advanced by Democratic Sen. Brad Hoylman, a minority member of the Senate Health Committee.

The Senate majority, however, seems deeply disinclined, since they are carrying water for the governor, and Cuomo most definitely does not want the polluters taking the stand.

Not when they might have a lot of interesting observations to make about their contacts with state government during this crisis.

The governor, remember, is all about controlling the narrative. Make that all about control.

But there is one small step that might be taken to improve the quality of testimony at these hearings.

Swear in the witnesses. Put them under oath. It's what former Assemblyman Richard Brodsky used to do when he was chair of the Environmental Conservation committee to elicit more reliable utterings from those appearing. He even had a court stenographer taking down every word.

With several lawsuits looming, these witnesses are likely to be eventually deposed under oath anyway.

Stakes change for professionals testifying with perjury on the table. So do their responses.

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